IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

RPFC.No. 22 of 2003()

MC.198/2002 of FAMILY COURT, MANJERI

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REVISION PETITIONER/RESPONDENT:

RAJENDRAN, S/O. CHOYI,
ATHIKKUTHU HOUSE, P.O. VALARAD, PANDIKKAD,
ERANAD TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.DEVIDAS.U.K
SRI.SANDEEP.E.

RESPONDENTS: PETITIONERS:

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1. USHAKUMARI, D/O. SANKARAN,
KILIVAYIL HOUSE, PONMALA, MALAPPURAM.

2. SIVAN, 10 MONTHS, MINOR,
S/O. USHAKUMARI, MINOR PETITIONER IS REPRESENTED
BY THE GUARDIAN MOTHER 1ST RESPONDENT.

BY ADV. SRI.ZAKEER HUSSAIN
SRI.M.RISHIKESH SHENOY
BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

R.P.(F.C.)No.22 of 2003

Dated this the 16th day of October, 2007

O R D E R

The revision petitioner is the respondent/husband in M.C. No.198/02 in the proceedings initiated by the first respondent/ wife for maintenance under Section 125 Crl.P.C. for herself and ten months old child.

2. It is the case of the first petitioner that subsequent to the marriage the respondent/revision petitioner used to be ill treated and the ornaments and money given to her at the time of marriage were misappropriated and that she was injured as assaulted by the respondent. It is also alleged that she was taken to a psychiatrist to make out that she is a person suffering from mental illness. Later, she was left at her house. It is alleged that the petitioner has no job or income and that the respondent/revision petitioner is a construction worker and he is getting Rs.200/- per day and has claimed maintenance at the rate of Rs.500/- per month each.

3. Respondent/counter petitioner had alleged that the

first petitioner is a person suffering from mental illness prior to the marriage and that his consent for the marriage was obtained concealing the above fact. He has also filed O.P.No.12/2000 to have the marriage declared as nullity. According to him he has no job or income.

4. The evidence adduced in the matter consisted of the testimony of the petitioner and that of the respondent. The Family Court found that the evidence of PW1, the first petitioner is convincing. It is also noted that the O.P. filed to declare the marriage as nullity on the ground of alleged insanity of the first petitioner was dismissed. I find that the maintenance ordered i.e., at the rate of Rs.500/- per month cannot be said to be excessive. There is no merit in the revision petition. The same is dismissed.

K.R.UDAYABHANU,
JUDGE

csl